

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Chambers of
Joseph A. Dickson
United States Magistrate Judge

Martin Luther King, Jr. Federal Bldg.
& U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07102
(973-645-2580)

LETTER REPORT AND RECOMMENDATION

April 23, 2014

All counsel of record via ECF

Re: Francisco & Francisco v. The Goodyear Tire and Rubber Co., et al. (14-1807-JLL-JAD)

Dear Mr. & Mrs. Francisco and Counsel:

Before the Court is Plaintiffs' letter objecting to removal of the case to the U.S. District Court (ECF no. 6). The Court will construe the letter as a Motion to Remand the case to state court. For the reasons below, the Court recommends that Plaintiffs' motion to remand be denied.

On February 14, 2014, Plaintiffs filed their Complaint in the Superior Court of New Jersey Law Division: Bergen County, asserting retaliation in violation of the New Jersey Conscientious Employee Protection Act, intentional discrimination in violation of the New Jersey Law Against Discrimination ("LAD"), and harassment, in violation of Title VII and LAD. Pursuant to defense counsel's letter (ECF no. 11), Defendant became aware that a case was filed against it on February 26, 2014, and obtained a copy of the Complaint on March 1, 2014. The case was removed to federal court on March 21, 2014, less than 30 days after receipt by defendant of the Complaint. Accordingly, Defendant timely removed the case to federal court in accordance with 28 U.S.C. §1446. As Plaintiffs have asserted violation of Title VII, a federal

statute, this case was properly removed to federal court on the grounds of federal question jurisdiction.

Therefore, the Court respectfully recommends that Plaintiff's Motion to Remand (ECF no. 6) be DENIED.

SO ORDERED

A handwritten signature in black ink, appearing to read 'Joseph A. Dickson', written over a horizontal line.

JOSEPH A. DICKSON, U.S.M.J.

cc: Hon. Jose L. Linares